IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4079 OF 2005

Mr.Kailash D. Narwade. ...Petitioner.
Vs.
The State of Maharashtra & Anr. ...Respondents.
....
Mr. R. S. Deshpande with Mr. B. G. Tangsale for the Petitioner.
Mr. R. D. Rane, GP for the Respondents.
.....

CORAM : A. P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

July 1, 2005.

P.C.:

The Petitioner is the owner of a Tourist Taxi (Registration No. MH-01-X-8232) which was registered in Mumbai in 1996. Since the vehicle is more than eight years' old, it is covered by the prohibitory order that was passed by the Division Bench of this Court in Writ Petition 1762 of 1999 (Bombay Environmental Action Group vs. Municipal Corporation for Greater Mumbai). The reason for the institution of these proceedings is that the Petitioner has sought from the Second and Third Respondents (the Registering Authority and the Regional Transport Authority), ano objection certificate to enable the Petitioner to remove the vehicle outside Mumbai so that it could be plied outside the Municipal limits of

Greater Mumbai. Reliance has been placed on an order dated 3rd March 2004 passed by a Division Bench in Notice of Motion No.57 of 2004 in Writ Petition 1762 of 1999. Having regard to the order passed by the Division Bench on 3rd March 2004, the Third Respondent is permitted to issue a no objection certificate to the Petitioner valid for one day for the purposes of removing the vehicle out of the Municipal limits of Greater Mumbai. The registration of the vehicle shall be deemed to have been revived only for the aforesaid purpose and for enabling the Petitioner to remove the vehicle out of the Municipal limits. The Petitioner shall take the vehicle to the office of the registering authority specified in the no objection certificate, register it in that office and produce proof of having done so to the concerned RTO in Mumbai within a period of 15 days from the date of the issuance of the no objection certificate. The registration of the vehicle shall be revived after the vehicle has been registered in the office of the registering authority specified in the no objection certificate and such vehicle will not be allowed to re-enter or ply in Mumbai. If there is any breach of the procedure mentioned above, by the owner or if the vehicle is found to be plied in within the Municipal limits, it shall immediately be impounded by the office of the Motor Vehicle Department and/or

Traffic Police and its registration shall be cancelled. The vehicle shall be released to the owner only as scrap in that event.

The petition is accordingly disposed of with the aforesaid directions. There shall be no order as to costs.

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